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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/512,838	02/25/2000	Connie Blackburn	LUCENT-00301	7160
28960	7590	04/16/2004	EXAMINER	
HAVERSTOCK & OWENS LLP 162 NORTH WOLFE ROAD SUNNYVALE, CA 94086			TRAN, QUOC DUC	
			ART UNIT	PAPER NUMBER
			2643	32

DATE MAILED: 04/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/512,838	BLACKBURN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Quoc D Tran	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 03 February 2004.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-24 is/are pending in the application.

4a) Of the above claim(s) 5 is/are withdrawn from consideration.

5) Claim(s) 1-4 and 18-22 is/are allowed.

6) Claim(s) 6-17,23 and 24 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 28,31.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

#### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 6-17 and 23-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Gross et al (6,493,438).

Consider claim 6, Gross et al teach a method of billing a call to a predetermined telephone line wherein a user initiates a call from a calling party to a called party through a service, comprising the following steps conveying data from the service to a control point, wherein the data indicates the predetermined telephone line, and the called party, and the calling party (col. 7 lines 7-49; col. 8 lines 8-13; col. 6 lines 35-48); temporarily routing the call to a switch associated the predetermined telephone line (col. 7 lines 55-67; Fig. 7); forming a new call originating from the calling party and terminating at the called party; storing billing information related to the new call on the switch associated with the predetermined telephone line in response to a signal initiated by the server and automatically billing the new call to a predetermined telephone line using the stored billing information (col. 7 lines 7-49; col. 8 lines 8-13; col. 6 lines 35-48).

Consider claim 7, Gross et al teach the method further comprising activating a terminating attempt trigger in the switch associated with the predetermined telephone line (col. 7 lines 7-49; col. 8 lines 8-13; col. 6 lines 35-48).

Consider claim 8, Gross et al teach the method wherein storing billing information on the switch is in response to activating the terminating attempt trigger (col. 7 lines 7-49; col. 8 lines 8-13; col. 6 lines 35-48).

Consider claim 9, Gross et al teach the method wherein storing billing information on the switch includes a call duration of the new call and a particular feature utilized during the new call (col. 7 lines 7-49; col. 8 lines 8-13; col. 6 lines 35-48). It should be noted that it is inherent for BDR to include such information in order to bill the subscriber for the extension call.

Consider claim 10, Gross et al teach the method further comprising setting a telephone line as the predetermined telephone line (col. 2 lines 36-67; col. 4 line 66 – col. 5 line 2; col. 8 lines 8-13).

Consider claim 11, Gross et al teach the method wherein the calling party is not at the predetermined telephone line (col. 2 lines 36-67; col. 4 line 66 – col. 5 line 2; col. 8 lines 8-13).

Consider claim 12, Gross et al teach the method wherein the calling party is the predetermined telephone line (col. 2 lines 36-67; col. 4 line 66 – col. 5 line 2; col. 8 lines 8-13).

Consider claim 13, Gross et al a method of billing a call to a predetermined telephone line wherein a user initiates the call through a service from a calling party to a called party, comprising the following steps conveying call data from the service to a control point wherein the control point is coupled to the calling party, the predetermined telephone line, and the called party (col. 7 lines 7-49; col. 8 lines 8-13; col. 6 lines 35-48); terminating the call to the service

(col. 7 lines 1-4); forming a new call to link the calling party to the called party; storing billing information related to the new call on the switch associated with the predetermined telephone line in response to a signal initiated by the server and automatically billing the new call to a predetermined telephone line using the stored billing information (col. 7 lines 7-49; col. 8 lines 8-13; col. 6 lines 35-48).

Consider claim 14, Gross et al teach the method further comprising temporarily connecting the call to the predetermined telephone (col. 7 lines 55-67; Fig. 7).

Consider claim 15, Gross et al teach the method further comprising the following steps terminating the call to the predetermined telephone line; and automatically querying the service control point via a terminating attempt trigger located within the switch associated with the predetermined telephone line in response to terminating the call to the predetermined telephone line (col. 7 lines 7-24).

Consider claim 16, Gross et al teach the method wherein storing the billing information related to the new call on the switch is in response to querying the service control point (col. 7 lines 7-49; col. 8 lines 8-13; col. 6 lines 35-48).

Consider claim 17, Gross et al teach the method wherein the stored billing information includes call duration of the new call and a particular feature utilized during the new call (col. 8 lines 8-13). It should be noted that it is inherent for BDR to include such information in order to bill the subscriber for the extension call.

Consider claim 23, Gross et al teach the method wherein the calling party is not at the predetermined telephone line (col. 2 lines 36-67; col. 4 line 66 – col. 5 line 2; col. 8 lines 8-13).

Consider claim 24, Gross et al teach the method wherein the calling party is the predetermined telephone line (col. 2 lines 36-67; col. 4 line 66 – col. 5 line 2; col. 8 lines 8-13).

***Allowable Subject Matter***

3. Claims 1-4 and 18-22 are allowed.

***Response to Arguments***

4. Applicant's arguments filed 2/3/2004 with respect to claims 6-17 and 23-24 have been fully considered but they are not persuasive.

In response to applicant argument that Gross does not teach storing billing information in the switch coupled to the predetermined line. Accordingly, the examiner respectfully disagrees with applicant argument. In one embodiment of Gross et al, mainly Figures 7-9, in which a caller 134 initiates a call to subscriber 148. Gross et al recite “direct the call to the subscriber 148 after the call has reach the platform 10. The platform 10 queries the DAP and the call is route to the subscriber 148”. This implies that platform 10 receive the call from caller 134 and then <sup>initiate</sup> ~~initiate~~ a call to the subscriber 148. Now, once the call is connected between the caller and the subscriber, the call is monitor or record in a conventional manner for generating telephone record and billing. Gross et al further recite that “the caller is billed for a long distance ***call to the subscriber's home location 148*** based on the ***CDR created by the IEC switch 140***”. This clearly implies that switch 140 generates call record for the call that the caller initiated from the caller location 134 that routed through the platform and bridged to the subscriber 148 and the call is billed to the caller. Therefore, Gross et al clearly suggest that billing information is stored in the switch coupled to the caller line.

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***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

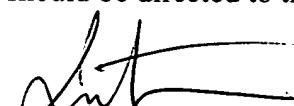
Facsimile responses should be faxed to:  
**(703) 872-9306**

Hand-delivered responses should be brought to:  
Crystal Park II, 2121 Crystal Drive  
Arlington, VA., Sixth Floor (Receptionist)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(703) 306-5643**. The examiner can normally be reached on Monday-Thursday from 8:00 to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(703) 305-4708**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(703) 306-0377**.

  
Quoc D. Tran  
Patent Examiner AU 2643  
April 14, 2004